

DOCUMENT RESUME

ED 312 886

FL 018 208

AUTHOR Badger, Richard
TITLE Referential Cohesion in Law Cases.
PUB DATE 89
NOTE 9p.; Paper presented at the International Association of Teachers of English as a Foreign Language (23rd, Coventry, England, March 31-April 3, 1989).
PUB TYPE Reports - Evaluative/Feasibility (142) -- Speeches/Conference Papers (150)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Cohesion (Written Composition); *Court Litigation; Discourse Analysis; Form Classes (Languages); *Grammar; Newspapers; *News Writing
IDENTIFIERS *Referents (Linguistics)

ABSTRACT

A study examined cohesive reference in a newspaper report of a law case, with the intention of helping students read such texts. Occurrences of two classes of items signaling referential cohesion were analyzed: personals (personal pronouns and possessive adjectives) and demonstratives (including the definite article). Factors that might lead a reader to misinterpret items as cohesive or non-cohesive were sought out. It is concluded that referential cohesive analysis is a useful tool for examining texts, but that the approach carries with it several problems. It is often difficult to determine whether an item is cohesive or not, and to establish the kind of link between the cohesive item and the antecedent. (MSE)

* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *

R. Badger

REFERENTIAL COHESION IN LAW CASES

Page 1

TO THE EDUCATIONAL RESOURCES
INFORMATION CENTER (ERIC)."

Richard Badger

ED312886

The aim of this paper is to examine what Halliday and Hassan (1976) call cohesive reference in a newspaper report of a law case with a view to helping students read such texts. I chose a newspaper report for two reasons both connected with the fact that newspaper reports are shorter than their official counterparts. Firstly this allowed me to deal with a complete text. On a purely informal basis my view was that there were important differences between the sections of such reports and so I did not want to use extracts from longer reports. Secondly newspaper reports which are approximately one page long, provide useful teaching material whereas official reports at up to twenty pages are less easily adapted for pedagogical purposes.

Halliday and Hasan identify three classes of items signalling referential cohesion: personals (personal pronouns and possessive adjectives); demonstratives (including the definite article); and comparatives. They go on to say of them that

instead of being interpreted semantically in their own right, they make reference to something else for their interpretation (1976:31).

It is worth pointing out that this definition makes claims about the psychological processes of the writer or reader and that the only evidence for the claim seems to be an appeal to native speaker intuition. This is not intended as a criticism as I am unclear how else one might investigate this phenomenon, and in most of what follows I will rely to a considerable extent on my own intuitions but it is important to emphasize the tentative nature of our knowledge.

Adopting the viewpoint of a reader requires two minor changes to Halliday and Hasan's description of referential cohesion. Firstly the items used to signal this relationship are used for other purposes. For example 'it' in the following example is clearly not cohesive.

Ex. 1 It is in the public interest that police officers should feel free to communicate fully frankly and in confidence with the Director of Public Prosecutions.

One of the things I will be attempting to do is identify what factors might lead a reader to identify such items as either cohesive or non-cohesive.

Secondly Halliday and Hasan's coding system limits cohesion to instances where the cohesive item and what it refers to are in different sentences. However from a reader's point of view it is

Paper presented at the International Association of Teachers of English as a Foreign Language (23rd, Coventry, England, March 31-April 3, 1989).

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION
CENTER (ERIC)

☒ This document has been reproduced as
received from the person or organization
originating it.
☐ Minor changes have been made to improve
reproduction quality.

• Points of view or opinions stated in this docu-
ment do not necessarily represent official
OERI position or policy.

hard to argue that the processes involved in interpreting the two occurrences of 'he' in the following example are different:

Ex. 2 On March 26, 1984, a man named Stephen Doyle was arrested in Essex for an offence of rape, and after being interviewed by police officers from Surrey he admitted to Miss Coe's murder. He was convicted of that murder in January, 30, 1986.

Indeed Haliday and Hasan seem to accept this.

Cohesion ... is a relation to which the sentence, or any other form of grammatical structure, is simply irrelevant. (1976:9)

In what follows I will not be examining comparative reference because there were only two occurrences in the text.

Personal Reference.

Table one summarizes the occurrences of personals. The most striking point is that all personals except 'it' are always cohesive. 'It' on the other hand is almost always non-cohesive. The only example in the text of a cohesive 'it' is when it is used with the verb 'belong'. All non-cohesive uses are with various forms of the verb 'be'.

The text has four main sections. The first two I have called 'titles' and 'summary'. The last two are labelled by the text as 'the facts' and 'the decision'. There are clear differences in the use of personals in the various sections. There are no personals in the titles. In the summary the only personal is 'it' used non-cohesively. In 'the facts' all eight personals (she, he and its) are cohesive. The decision section has a wider range of personals, with six non-cohesive occurrences of 'it', and thirteen cohesive uses of 'his', 'he', 'him', 'it' and 'them'. The absence of personals in the first section presumably reflects the syntax of titles but the range of personals in the other section seems to be connected with their function in the text as a whole, and in particular their level of generality. The summary sets out to state the legal principles of the case and might be described as the most general and correspondingly has only non-cohesive personals. The facts relate almost purely to one set of events and have only cohesive personals. The decision attempts to apply a general principle to this particular set of events and has both cohesive and non-cohesive personals.

Table two gives the referents of the cohesive personals. There are three points of interest here. The first is with 'his Lordship'. On

an analogy with 'his servant' this might be taken to refer to the employer of the judge if such a person could be identified. However it seems more likely that it is a transformation of 'your lordship' and the whole nominal group might be better thought of as a compound pronoun.

Secondly I have conflated references to David Evans and the plaintiff because it seems to me that a proper understanding of the text requires that all references to the plaintiff include David Evans. However it seems to me that the links with 'David Evans' and the links with 'the plaintiff' are somehow different and that the present description does not allow for this. Perhaps a clearer example of this problem is the use of 'his' to refer to 'the party applying for discovery'. In the present case the party is clearly the plaintiff, David Evans. However my reading of the following example is that the judge is referring primarily to some generalized party, and only secondarily to the plaintiff, and perhaps thirdly to David Evans.

Ex. 3 Any document which it was reasonable to suppose contained information which might enable the party applying for discovery either to advance his own case or to damage that of his adversary must be disclosed.

I would suggest that this kind of multi-layered reference may cause problems for readers.

Thirdly there is the question of the number of times people are referred to. The case involved a dispute between David Evans and the Chief Constable of Surrey so it is not surprising that personals refer to Evans on five occasions (or seven if we include references to the party applying for discovery). However it is at first sight strange that no personals refer to the Chief Constable. Ignoring Evans, personals refer most frequently to the Attorney-General, who, in legal terms, is an intervener rather than a party to the case. However there is a sense in which the Chief Constable may be regarded as a part of the organization which is trying to prevent Evans seeing the report and it may be that the pronouns in the text are being used to signal this. We can take this argument further and include the D.P.P. and the chief officers of police as quasi-defendants. On this basis an interesting pattern appears in the decision section. The first five references are to the plaintiff, and, if we ignore one reference to the report, the next five are to the quasi-defendants. The final reference is to Mr Justice Wood. This gives the rather pleasing sequence of plaintiff, defendant, judge.

Demonstrative Reference

Table three summarizes the occurrences of demonstrative items. However it is important to stress that on several occasions I found it very difficult to distinguish cohesive and non-cohesive uses of these words. Some examples may illustrate one of the problems.

Ex. 4 It is in the public interest that police officers
....

The police started investigations

On the surface there is a repetition of a word, which suggests some kind of link, and we might say the definite article signals this. However in the definition of cohesive reference cited above Halliday and Hasan talk of such items making reference to 'something else' for their interpretation and it is possible to argue that the meaning of 'the police' in the second sentence would be the same even if the first sentence had not been written. Against this is the point that one aspect of the meaning of the second sentence is that it is part of an example of the principle outlined in the first sentence. In my view someone who read this report for some legal reason without making such a connection would not have properly understood the text and so I have tentatively classified this use of 'the' as cohesive. A final decision however requires a more detailed investigation of what is to be understood by the 'something else' by which an item is interpreted. In the present text the 'something else' needs to include facts about the structure of the text and in particular that parts of the text are examples of generalizations in other parts of the text.

An alternative and possibly complementary approach to 'the police' is to link it with 'Chief Constable of Surrey', which appears in the title section. Here the argument would be that the definite article in 'the police' indicates that we are not dealing with police officers from, say, Warwickshire, or those controlled by, say, British Rail, but with the police force in Surrey under the Chief Constable of that county. This line of argument seems to fit in well with the Halliday and Hasan approach. Nevertheless the information that this analysis would add to 'police' seems less important than the relationship between principle and example that I mentioned in the last paragraph.

I am not clear how one would go about choosing between these two analyses. However there seems to be no reason for not allowing that they both have a contribution to make to our understanding of how the apparently simple nominal group, the police, is understood.

The second example is 'the question' in the following sentence:

Ex. 5 Before the question of public interest immunity could be raised the documents must be disclosable under the normal rules of discovery.

Example five seems to be a statement of legal principle. As such it is clearly related to previous mentions of public interest and to the police objections. However I am not sure whether such a relationship is signalled by the use of 'the question'. The argument against treating 'the question' here as cohesive is that these two words could be omitted without altering the meaning of the sentence or text. The argument for a cohesive link is that the writer had a choice of the definite or indefinite articles. His decision in favour of the definite article must have been intended to convey something and signalling a cohesive link is the most likely possibility. If we accept this second argument the link seems to parallel the link between 'the police' and 'police'.

A further instance of this kind of relationship appears in example 5, with the words 'the documents', which I would argue are linked to 'the report' in

Ex. 6 ... the Chief Constable of Surrey ... submitted
... a covering report

'The plaintiff' and 'the defendant', which are used to refer to the parties to the present case as well as to parties in general, are further instances of this relationship.

From these examples I would argue that the notion of reference needs to be more sophisticated, and in particular needs to allow for links between items at different levels of generality.

The second problem in deciding if a demonstrative is cohesive occurs with items that normally have the definite article, such as 'the Chief Constable of Surrey, 'the Director of Public Prosecutions' and 'the Attorney-General'. With these I have adopted a fairly superficial approach. I treated the first occurrence, with or without the definite article as non-cohesive and later occurrences as cohesive. This system is easy to apply but it ignores the possibly unanswerable and certainly unanswered question of whether a reader makes reference to something else for their interpretation. An argument for this approach might be based on schemata theory. The problem with this argument is the difficulty in identifying what items are included in a schemata. For example it is hard to see how one might decide if the DPP would be included in a 'police' schemata.

Conclusion

Referential cohesive analysis is a useful tool for examining texts. However there are several problems with this approach. In particular is it often hard, firstly, to decide whether an item is cohesive or not, and, secondly, to establish the kind of link between the cohesive item and the antecedent.

Table One : Personal Reference (summary)

Item	Used cohesively	Used non- cohesively	Total
He	8		8
Him	2		2
His	5		5
She	1		1
It	1	7	8
Its	1		1
Them	1		1
Total	19	7	26

Table Two : Personal Reference (the referents)

Glennys Leslie Coe	1	she	1
David Evans, the plaintiff	5	he	3
		his	1
		him	1
the Director of Public Prosecutions	1	he	1
Stephen Doyle	2	he	2
the Attorney-General	4	he	3
		his	1
the party applying for discovery	2	his	2
Mr Justice Wood	1	his	1
The report	2	it	1
		its	1
the D.P.P. and chief officers of police	1	them	1

Table Three : Demonstrative Reference (summary)

Item	Used cohesively	Used non-cohesively	Total
This	1	0	1
That	4	1	5
Those	1	0	1
The	66	29	95
Total	72	30	102

References

Anderson, E. (1983) "Cohesion and the Teacher" Australian Journal of Reading Vol. 6 No. 1 26-42.

Carrell, P.L. (1982) "Cohesion is not Coherence" TESOL Quarterly Vol. 16 479-489.

Chapman, L.J. (1983) Reading Development and Cohesion London: Heineman.

Halliday, M.A.K. and Hasan, R. (1976) Cohesion in English London: Longman.

Garrod, S. and Sanford, A. (1977) "Interpreting anaphoric relations: the integration of semantic information while reading." Journal of Verbal Learning and Verbal behaviour. 161 77-90.

Irwin, J.W. (1980) "The effect of linguistic cohesion on prose comprehension" Journal of Reading Behavior XII No 4 325-332

Richek, M. (1977) "Reading comprehension of anaphoric forms in various linguistic contexts" Reading Research Quarterly 122 145-165.

Williams, R. (1983) "Teaching the recognition of cohesive ties" Reading in a Foreign Language Vol. 1 No. 1 35-52

Examples are taken from the report of Evans v Chief Constable of Surrey published in the Guardian on 21/1/88.

Richard Badger